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FEDERAL SECURITY AGENCYFOOD AND DRUG ADMINISTRATION  
U. S. Department of AgricultureNOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,  
AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

51-70

## COSMETICS

The cases reported herewith commenced prior to June 30, 1940, were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Secretary of Agriculture; and those commenced on and after that date were similarly instituted upon reports submitted by direction of the Federal Security Administrator.

PAUL V. McNUTT, *Administrator, Federal Security Agency.*WASHINGTON, D. C., *December 1, 1941.*

## CONTENTS

	Page		Page
Cosmetics, adulterated or adulterated and misbranded.....	25	Cosmetics, misbranded (on account of deceptive containers or weight shortage).....	32
Permanent wave solutions.....	25	Hair and scalp preparations.....	32
Eyelash and eyebrow dyes.....	28	Miscellaneous.....	32
Hair and scalp preparations.....	29	Index.....	34
Miscellaneous.....	31		

## COSMETICS, ADULTERATED OR ADULTERATED AND MISBRANDED

## PERMANENT WAVE SOLUTIONS

Nos. 51 to 57 report the seizure and disposition of a permanent waving method each unit of which consisted of a cardboard box holding one bottle each of a shampoo hair conditioner, a curling solution, and a neutralizing solution. Accompanying several of these units was a bottle labeled in part "Sealing Cream." The curling solution contained ammonium hydrogen sulfide, which would be injurious to users under customary conditions of use.

**51. Adulteration of heatless method of permanent waving. U. S. v. 47 Units of Willat Method of Heatless Permanent Waving (and 132 other cases against Willat method). Default decrees of condemnation and destruction.** (F. D. C. Nos. 4232 to 4235, incl., 4257, 4258, 4266, 4267, 4292 to 4298, incl., 4300, 4309 to 4315, incl., 4322 to 4326, incl., 4330, 4338, 4339, 4344 to 4346, incl., 4348 to 4351, incl., 4359, 4360, 4362 to 4367, incl., 4383, 4384, 4389, 4390, 4405 to 4412, incl., 4421, 4422, 4424, 4426, 4431 to 4443, incl., 4452, 4457 to 4471, incl., 4473, 4486 to 4495, incl., 4502 to 4505, incl., 4512, 4513, 4515 to 4517, incl., 4521, 4522, 4527 to 4546, incl., 4548, 4549, 4588, 4602 to 4626, incl., 4629 to 4632, incl., 4707 to 4709, incl., 4715 to 4717, incl., 4745 to 4748, incl., 4754, 4765, 4766, 4771 to 4776, incl., 4791, 4792, 4814 to 4816, incl. Sample Nos. 27-E, 5161-E to 5164-E, incl., 5190-E to 5200-E incl., 5576-E, 5578-E, 11262-E to 11265-E, incl., 14291-E, 14293-E to 14295-E, incl., 14299-E, 14300-E, 16851-E, 17661-E, 19388-E, 19389-E, 19391-E to 19395-E, incl., 25728-E, 25806-E to 25809-E, incl., 28267-E, 28270-E, 28271-E, 29191-E, 29192-E, 29545-E to 29563-E, incl., 31328-E, 35192-E, 35380-E, 35871-E, 37290-E to 37296-E, incl., 38675-E, 38676-E, 38679-E, 38680-E, 39236-E, 39728-E to 39732-E, incl., 39801-E, 39802-E, 40430-E, 40433-E, 40624-E, 40626-E, 40702-E to 40707-E, incl., 42061-E, 42062-E, 42289-E to 42292-E, incl., 42376-E, 42525-E to 42527-E, incl.,

42718-E to 42720-E, incl., 43350-E to 43352-E, incl., 43381-E, 43382-E, 43422-E to 43425-E, incl., 43428-E, 43429-E, 48019-E, 48240-E, 48241-E, 48248-E, 49029-E, 50529-E, 50826-E, 50827-E, 50830-E, 51060-E, 51062-E to 51069-E, incl., 51221-E, 51222-E, 51224-E, 51225-E, 51227-E, 51228-E, 56147-E to 56151-E, incl., 56155-E, 56229-E, 56237-E to 56239-E, incl., 57198-E, 58135-E, 58181-E to 58183-E, incl., 58192-E to 58197-E, incl., 58432-E to 58440-E, incl., 58984-E to 58986-E, incl., 58988-E to 58990-E, incl., 58992-E to 58994-E, incl., 58996-E, 58997-E, 60087-E, 60089-E, 60578-E, 60719-E, 69034-E to 69036-E, incl.

Between the dates of April 3 and May 21, 1941, the United States attorneys for the Middle and Northern Districts of Alabama, District of Columbia, District of Delaware, Southern District of Florida, Northern District of Georgia, District of Idaho, Northern District of Indiana, Northern and Southern Districts of Iowa, Eastern and Western Districts of Louisiana, District of Maryland, District of Massachusetts, District of Minnesota, Eastern and Western Districts of Missouri, Eastern, Northern, and Western Districts of New York, Northern and Southern Districts of Ohio, Northern and Western Districts of Oklahoma, District of Oregon, Eastern, Middle, and Western Districts of Pennsylvania, District of Rhode Island, District of South Dakota, Eastern and Western Districts of Tennessee, Eastern, Northern, and Southern Districts of Texas, and Eastern and Western Districts of Wisconsin filed libels against the following quantities of Willat Method of Heatless Permanent Waving: 224 units at Birmingham, 34 units at Montgomery, and 49 units at Opelika, Ala.; 60 units at Washington, D. C.; 84 units at Wilmington, Del.; 6 units at Fort Lauderdale, 22 units at Lake Worth, 96 units at Miami, 79 units at Palm Beach, 187 units at West Palm Beach, and 45 units at Tampa, Fla.; 86 units at Atlanta, Ga.; 19 units at Boise, Idaho; 34 units at Warsaw, Ind.; 27 units at Cedar Rapids, 46 units at Clinton, 194 units at Des Moines, 48 units at Independence, 67 units at Sioux City, and 51 units at Waterloo, Iowa; 23 bottles at New Orleans and 45 units at Shreveport, La.; 44 units at Bethesda and 215 units at Baltimore, Md.; 109 units at Boston, 28 units at Lynn, 54 units at Springfield, and 19 units at Worcester, Mass.; 25 units at Duluth, 366 units at Minneapolis, 11 units at Rochester, and 216 units at St. Paul, Minn.; 60 units at Clayton, 241 units at Kansas City, 281 units at St. Louis, and 54 units at Webster Groves, Mo.; 161 units at Albany, 53 units at Buffalo, 65 units at Forest Hills, 78 units at Flushing, Long Island, 234 units at Jackson Heights, L. I., 49 units at Kew Gardens, L. I., 111 units at Long Island City, 122 units at Rochester, and 9 units at Rockville Center, N. Y.; 227 units at Akron, 8 units at Canton, 91 units at Cincinnati, 314 units at Cleveland, 143 units at Cleveland Heights, 461 units at Columbus, 57 units at Lakewood, 64 units at Painesville, 46 units at Shaker Heights, and 112 units at Toledo, Ohio; 93 units at Oklahoma City and 180 units at Tulsa, Okla.; 8 units at Klamath Falls and 27 units at Portland, Ore.; 130 units at Ardmore, 27 units at Chestnut Hill, 22 units at Clearfield, 65 units at Coraopolis, 21 units at Franklin, 60 units at Greenville, 38 units at Harrisburg, 38 units at Lancaster, 25 units at McKeesport, 34 units at Oil City, 223 units at Philadelphia, 300 units at Pittsburgh, 88 units at Uniontown, and 36 units at Upper Darby, Pa.; 59 units at Cranston, 13 units at Newport, 210 units at Providence, 59 units at Warren, 44 units at Westerly, and 49 units at Woonsocket, R. I.; 32 units at Aberdeen, S. Dak.; 52 units at Knoxville, and 38 units at Memphis, Tenn.; 42 units at Beaumont, 31 units at Dallas, and 182 units at Houston, Tex.; 2 units at Tacoma, Wash.; and 106 units at Madison and 59 units at Whitewater, Wis.

The libels alleged that the article had been shipped in interstate commerce by the Heatless Permanent Wave Co. from San Francisco, Calif., within the period beginning on or about August 15, 1940, and ending on or about April 8, 1941; and charged that it was adulterated in that it contained a poisonous or deleterious substance, ammonium hydrogen sulfide, which might have rendered it injurious to users under such conditions of use as are customary or usual.

Between the dates of May 7 and August 7, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**52. Adulteration of heatless method of permanent waving. U. S. v. 62½ Dozen Units of Willat Method of Heatless Permanent Waving and 4 Bottles of Curling Solution (and 2 other seizures of Willat method). Default decrees of condemnation and destruction.** (F. D. C. Nos. 4242, 4279 to 4286, incl., 4361. Sample Nos. 28274-E, 50528-E, 99885-E.)

On April 4, 9, and 16, 1941, the United States attorney for the District of Columbia filed libels against 68½ dozen units of Willat Method of Heatless Permanent Waving and 4 bottles of curling solution, alleging that the articles were in interstate commerce in the District of Columbia in the possession of



the following beauty parlors at Washington, D. C.: Demonet's Beauty Salon, Rudolph's—Beauty Associates, Inc., Robert of Paris, Inc., Pat, Mount Pleasant Beauty Shoppe, Gaston of Paris, Inc., Guilbo, Inc., Gusti's Beauty Salon, Louis [Creative Hairdresser], and the Rainbow Beauty Shop; and charging that they were adulterated in that they contained a poisonous or deleterious substance, ammonium hydrogen sulfide, which might have rendered them injurious to users under such conditions of use as are customary or usual. The shampoo hair conditioner and the solutions were labeled in part: (Bottles) "Willat De Luxe \* \* \* Distributor—Heatless Permanent Wave Co. San Francisco, Calif."

On June 6, 1941, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**53. Adulteration of heatless method of permanent waving. U. S. v. 7 Cartons, 1 Carton, and 1 Loose Unit of Willat Method of Heatless Permanent Waving. Default decree of condemnation and destruction. (F. D. C. No. 4299. Sample No. 39238-E.)**

On April 9, 1941, the United States attorney for the Eastern District of Missouri filed a libel against 95 units of Willat Method of Heatless Permanent Waving at St. Louis, Mo., alleging that the article had been shipped in interstate commerce by the American Yvette Co. from New York, N. Y., on or about January 24 and March 12 and 31, 1941; and charging that it was adulterated in that it contained a poisonous or deleterious substance, ammonium hydrogen sulfide, which might have rendered it injurious to users under such conditions of use as are customary or usual. The curling solution contained in each unit was labeled in part: (Bottles) "Willat Sulfalene \* \* \* Distributor—Heatless Permanent Wave Co., San Francisco, Calif."

On May 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**54. Adulteration of heatless method of permanent waving. U. S. v. 37 Units of Willat Method of Heatless Permanent Waving. Default decree of condemnation and destruction. (F. D. C. No. 4328. Sample No. 28273-E.)**

On April 14, 1941, the United States attorney for the District of Maryland filed a libel against 37 units of Willat Method of Heatless Permanent Waving at Baltimore, Md., alleging that the article had been shipped in part by the Heatless Permanent Wave Co. from San Francisco, Calif., on or about December 16, 1940, and in part by Emile, Inc., from Washington, D. C., on or about January 3, 1941; and charging that the article was adulterated in that it contained a poisonous or deleterious substance, ammonium hydrogen sulfide, which might have rendered it injurious to users under such conditions of use as are customary or usual.

On May 17, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**55. Adulteration of heatless method of permanent waving. U. S. v. 29 Units of Willat Method of Heatless Permanent Waving (and 5 other seizures of Willat method). Default decrees of condemnation and destruction. (F. D. C. Nos. 4402, 4403, 4404, 4425, 4514, 4714. Sample Nos. 25941-E to 25946-E incl., 29397-E.)**

On April 19 and 25 and May 8, 1941, the United States attorneys for the Western District of Kentucky and the Territory of Hawaii filed libels against 29 units of Willat Method of Heatless Permanent Waving at Louisville, Ky., and 274 units of the same product at Honolulu, T. H., all lots of which had been consigned by the Heatless Permanent Wave Co., alleging that the article had been shipped from San Francisco, Calif., within the period from on or about January 1 to on or about April 8, 1941; and charging that it was adulterated in that it contained a poisonous or deleterious substance which might have rendered it injurious to users under such conditions of use as are customary or usual.

On May 15 and 29 and June 10, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**56. Adulteration of heatless method of permanent waving. U. S. v. 31 Units of Willat Method of Heatless Permanent Waving. Default decree of condemnation and destruction. (F. D. C. No. 4472. Sample No. 57114-E.)**

On April 24, 1941, the United States attorney for the Eastern District of Illinois filed a libel against 31 units of Willat Method of Heatless Permanent Waving at Centralia, Ill., alleging that the article had been shipped in inter-

state commerce from San Francisco, Calif., by the Willat Production Co. on or about January 8, 1941; and charging that it was adulterated in that it contained a poisonous or deleterious substance, ammonium hydrogen sulfide, which might have rendered it injurious to users under such conditions of use as are customary or usual. The shampoo hair conditioner and the solutions comprising each unit of the article were labeled in part: (Bottles) "Willat De Luxe \* \* \* Distributor—Heatless Permanent Wave Co., San Francisco, Calif."

On June 23, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**57. Adulteration of permanent wave curling solution. U. S. v. 99 Units, 20 Units, and 60 Units of Willat Method of Heatless Permanent Waving. Consent decrees of condemnation and destruction of the curling solution; remainder of product ordered released to claimants.** (F. D. C. Nos. 4397, 4423, 4483. Sample Nos. 43259-E to 43261-E, incl.)

On April 23, 25, and 28, 1941, the United States attorney for the District of Nebraska filed libels against 99 units of Willat Method of Permanent Waving at Omaha, 20 units at Lincoln, and 60 units at North Platte, Nebr., alleging that the article had been shipped by the Heatless Permanent Wave Co. on or about January 8, February 4, and March 6, 27, and 28, 1941, from San Francisco, Calif.; and charging that it was adulterated in that it contained a poisonous or deleterious substance, ammonium hydrogen sulfide.

On May 22 and 23, 1941, Maison Lorenzo, Inc., claimant for the product seized at Omaha and Lincoln, and Milly Spady, owner and operator of Milly's Shop, claimant for the product seized at North Platte, Nebr., having consented to the entry of decrees, judgments of condemnation and destruction of the curling solution were entered and the remainder of the product was ordered released and returned to the claimants.

#### EYELASH AND EYEBROW DYES

**58. Adulteration and misbranding of Mary Luckie Hair Tints. U. S. v. 5 Packages of Mary Luckie Original Hair Tint Black and 1 Package of Mary Luckie Original Hair Tint Jet Black (and 3 other seizures of Mary Luckie products). Decrees of destruction.** (F. D. C. Nos. 4867, 4992, 5088, 5133. Sample Nos. 16854-E, 43589-E, 43599-E, 43600-E, 43773-E, 43943-E.)

These products contained paraphenylenediamine, a poisonous or deleterious substance, which might have rendered them injurious to users under such conditions of use as are customary or usual. Furthermore, the combination in each package was not one which is associated with a hair dye but was one which is commonly associated with eyelash and eyebrow dyes.

On June 5 and 28 and July 9 and 12, 1941, the United States attorneys for the District of Kansas and the Northern and the Western Districts of Oklahoma filed libels against 6 packages of Mary Luckie Original Hair Tints at Pittsburg, Kans.; and 3 packages at Tulsa, 44 packages at Oklahoma City, and 19 packages at Enid, Okla., alleging that the articles had been shipped within the period from on or about April 21 to on or about June 12, 1941, by the Marlu Co. from Kansas City, Mo.; and charging that they were adulterated and misbranded. They were labeled in part: "Mary Luckie Original Hair Tint Black [or "Jet Black" or "Dark Brown"]."

The articles were alleged to be adulterated in that they contained a poisonous or deleterious substance which might have rendered them injurious to users under such conditions of use as are customary or usual.

They were alleged to be misbranded in that the designation "Hair Tint" was false and misleading since they were not hair tints but eyelash and eyebrow dyes.

On June 23, July 14, and August 13, 1941, no claimant having appeared, judgments were entered ordering that the products be destroyed.

**59. Adulteration and misbranding of eyelash and eyebrow dye. U. S. v. 81 Unit Cartons of Louise Norris Lash & Brow Coloring. Default decree of condemnation and destruction.** (F. D. C. No. 2675. Sample Nos. 26808-E to 26811-E, incl.)

This product contained a potentially dangerous ingredient, 2,5 toluylenediamine.

On August 27, 1940, the United States attorney for the Western District of Washington filed a libel against 81 unit cartons of Louise Norris Lash & Brow Coloring at Seattle, Wash., alleging that the article had been shipped in inter-

state commerce on or about October 27 and November 16, 1939, and June 15, 1940, by the Louise Norris Co. from Kansas City, Mo.; and charging that it was adulterated and misbranded.

It was alleged to be adulterated in that it contained a poisonous or deleterious substance, namely 2,5 toluylenediamine, which might have rendered it injurious to users under the conditions of use prescribed in the labeling or under such conditions of use as are customary or usual. It was alleged to be adulterated further in that it contained a coal-tar color, namely, 2,5 toluylenediamine, which was not from a batch that had been certified in accordance with the regulations provided by law.

The article was alleged to be misbranded in that the following statements were false and misleading when applied to an article which might be dangerous when used under the conditions prescribed in the labeling: (Unit carton and bottle "A" label) "Louise Norris Lash & Brow Coloring"; (Formula No. 2 bottle label) "Protecto"; and (directions circular) "Louise Norris Patented Method of Coloring Eyelashes and Brows."

On January 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### HAIR AND SCALP PREPARATIONS

**60. Misbranding of Odell's Quinine for the Hair. U. S. v. 140 Bottles of Odell's Quinine for the Hair. Default decree of condemnation and destruction.**  
(F. D. C. 3609. Sample No. 24831-E.)

This product was represented to be a quinine preparation, whereas it contained no quinine. Its labeling also bore false and misleading representations regarding its efficacy as indicated below.

On December 30, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 140 bottles of Odell's Quinine for the Hair at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about November 19, 1940, by the Odell Co. from Newark, N. J.; and charging that it was misbranded.

Analysis showed that the article consisted essentially of water, alcohol, extracts of plant materials including brucine, and perfuming materials.

Misbranding was alleged in that the statements "Quinine \* \* \* Stimulating \* \* \* Essential to healthy hair," borne on the bottle label, were false and misleading in that they were incorrect.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notice of judgment D. D. No. 297.

On January 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**61. Misbranding of La-Nu Hair and Scalp Vitalizer. U. S. v. 429 Large and 429 Small Jars of La-Nu. Default decree of condemnation and destruction.**  
(F. D. C. No. 3913. Sample Nos. 31323-E, 31324-E.)

The label of this product bore false and misleading representations regarding its efficacy in the conditions indicated below. The label on the small jars also failed to bear an accurate statement of the quantity of the contents, which, because of the exceptional thickness of the glass and the manner in which the container was made, was very much less than was indicated by the outward appearance of the container.

On March 4, 1941, the United States attorney for the Western District of Michigan filed a libel against 858 jars of La-Nu Hair and Scalp Vitalizer at Grand Rapids, Mich., alleging that the article had been shipped on or about January 20 and February 3, 1941, from Philadelphia, Pa., by the La-Nu Distributing Co.; and charging that it was misbranded.

Analysis of a sample of the article showed that it consisted essentially of ammoniated mercury, boric acid, eucalyptus oil, and lanolin.

The article was alleged to be misbranded in that the following statements, appearing in the labeling, were false and misleading since it was not efficacious for the purposes recommended: (Top of large jar) "Hair and Scalp Vitalizer"; (label on large jar) "Recommended as an aid in the relief of \* \* \* Alopecia Ring Worms \* \* \* and Falling Hair"; and (label on small jar) "Recommended for dandruff alopecia and ring worm \* \* \* falling hair."

The portion of the product contained in the small jars was alleged to be misbranded further in that the label failed to bear an accurate statement of the



quantity of contents; and in that its container was so made, formed, or filled as to be misleading.

On April 4, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**62. Misbranding of Glo-Co Hair Groom for Men. U. S. v. 131 3-Fluid-Ounce Packages and 8 6-Fluid-Ounce Packages of Glo-Co Hair Groom for Men. Default decree of condemnation and destruction. (F. D. C. No. 3368. Sample No. 6557-E.)**

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated below. The quantity of contents statement was in fine print and inconspicuous, and each of the cartons of both sizes was much larger than would have been necessary to hold the bottle which it contained.

On November 14, 1940, the United States attorney for the District of Colorado filed a libel against 131 3-fluid-ounce packages and 8 6-fluid-ounce packages of the above-named product at Denver, Colo., which had been consigned by the Glo-Co Co., alleging that the article had been shipped in interstate commerce on or about August 19, 1940, from Los Angeles, Calif.; and charging that it was misbranded.

Analysis showed that the article consisted essentially of alcohol and castor oil, together with perfumed materials.

The article was alleged to be misbranded in that the following statements appearing in the labeling created a false and misleading impression regarding its value: (Carton) "Glo-Co is made with pure vegetable oils scientifically balanced so as to approximate the oils nature provides the normal scalp and hair"; (circular) "Keep Hair On Your Head Properly Groomed This Simple Glo-Co Way \* \* \* Healthy hair, luxurious in growth, and lustrous with the glow of vitality \* \* \* It's all a matter of simple care and grooming. Neglect may lead to baldness; carelessness will lead to trouble. Your hair is part of the body and requires proper cleansing and grooming. \* \* \* A healthy growth of hair requires a clean, healthy scalp. So choose a hair aid that \* \* \* tones the scalp, \* \* \* Before It's Too Late Keep scalp \* \* \* nourished \* \* \* Dandruff is not to be confused with normal condition of scalp flaking and scale accumulation. This condition should be cared for with frequent cleansing with Glo-Co. Infectious dandruff is an organic disorder that requires your physician's care. Oily or Dry Hair is due to improper functioning of sebaceous glands. Cleansing with Glo-Co Hair Groom is the first step that helps to restore sebaceous glands to normal action, normalizing excess dryness or oiliness. Falling Hair and Thinning Hair. If due to organic disorder, consult your physician. Ordinarily it is due to lack of care in keeping scalp clean and properly nourished. Glo-Co hair groom contains pure vegetable oils that blend with the natural oils of the scalp, to overcome ordinary hair and scalp troubles."

The article was alleged to be misbranded further in that the statement of the quantity of contents appeared in fine print and was not prominently placed upon the carton with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use. It was alleged to be misbranded further in that the containers were so made, formed, or filled as to be misleading.

On January 3, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**63. Adulteration of brilliantine and skin cream; adulteration and misbranding of hair dressing. U. S. v. 30 Bottles of Brilliantine, et al. Default decrees of condemnation and destruction. (F. D. C. Nos. 3222, 3340. Sample Nos. 34522-E, 34525-E, 36453-E.)**

Examination of these products disclosed the presence of hairs, insect fragments, splinters, and nondescript dirt. One product was also short of the declared weight.

On October 15 and November 5, 1940, the United States attorneys for the District of New Jersey and the District of Massachusetts filed libels against 30 bottles of brilliantine and 39 jars of Spark'l Medicated Skin Cream at Newark, N. J.; and 348 bottles of Paulette Hair Dressing at Boston, Mass., alleging that the articles had been shipped by the Spark'l Co. from Brooklyn, N. Y., within the period from on or about January 24 to on or about September



11, 1940; and charging that they were adulterated and that the Paulette Hair Dressing was also misbranded. The brilliantine was labeled in part: "Brilliantine Roland \* \* \* Toiletries Moderne."

All of the products were alleged to be adulterated in that they consisted in part of filthy substances; and in that they had been prepared or packed under insanitary conditions whereby they might have become contaminated with filth.

The Paulette Hair Dressing was alleged to be misbranded in that the statement "Cont. 8 Fl. Ozs.," appearing on the label, was false and misleading since it was incorrect.

On December 9, 1940, and April 18, 1941, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

#### MISCELLANEOUS

**64. Misbranding of Quinlan Pore Cream and Quinlan Skin Stimulant. U. S. v. 101 Jars of Quinlan Pore Cream and 597 Bottles of Quinlan Skin Stimulant. Default decree of condemnation and destruction. (F. D. C. Nos. 4393, 4395. Sample Nos. 56258-E, 56762-E.)**

The labeling of these products contained false and misleading representations regarding their efficacy, as indicated below.

On April 18, 1941, the United States attorney for the Eastern District of New York filed a libel against 101 jars of Quinlan Pore Cream and 597 bottles of Quinlan Skin Stimulant at Brooklyn, N. Y., alleging that the articles had been shipped within the period from on or about January 15 to on or about February 20, 1941, by Pond's Extract Co. from Clinton, Conn.; and charging that they were misbranded. The articles were labeled in part: "Quinlan Pore Cream [or "Quinlan Skin Stimulant"] Kathleen Mary Quinlan, Inc. Distributor \* \* \* New York."

Analysis showed that the pore cream consisted essentially of petrolatum, zinc oxide, lanolin, water, and perfume; and that the skin stimulant consisted essentially of alcohol, water, glycerin, perfume, and coloring matter.

The articles were alleged to be misbranded in that the following statements appearing in the labeling were false and misleading since they represented that they were efficacious for the purposes recommended; whereas they were not efficacious for such purposes: "Pore Cream \* \* \* coarse pores and texture," and "Skin Stimulant."

On July 16, 1941, the case having been called and no claim or answer appearing of record, judgment of condemnation was entered and the products were ordered destroyed.

**65. Misbranding of "nutrient" and "youth" creams. U. S. v. 12 Dozen Packages of California Nutrient Cream and 17½ Dozen Packages of Sue Sorrell Texture of Youth Cream. Default decree of condemnation and destruction. (F. D. C. No. 3604. Sample Nos. 31525-E, 31526-E.)**

These products contained no ingredient or combination of ingredients which would produce the improvement in skin nutrition or texture implied on their respective labels.

On December 28, 1940, the United States attorney for the Eastern District of Michigan filed a libel against the above-named products at Detroit, Mich., alleging that they had been shipped in interstate commerce by Jeanne Tredway from New York, N. Y., the nutrient cream on or about October 31 and December 3, 1940, and the texture of youth cream on or about June 27, 1940; and charging that they were misbranded.

Examination showed that both articles consisted essentially of hydrocarbon oils, lanolin, and perfume material. The nutrient cream was also found to contain sodium borate.

The California Nutrient Cream was alleged to be misbranded in that the designation "Nutrient Cream" was false and misleading.

The Sue Sorrell Texture of Youth Cream was alleged to be misbranded in that the statement "\* \* \* an aid in warding off fine lines and wrinkles," appearing on the label, was false and misleading.

On February 5, 1941, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

## COSMETICS, MISBRANDED (ON ACCOUNT OF DECEPTIVE CONTAINERS OR WEIGHT SHORTAGE)<sup>1</sup>

### HAIR AND SCALP PREPARATIONS

- 66. Misbranding of Parisian Style Saje. U. S. v. 9 Dozen Bottles of Parisian Style Saje. Default decree of condemnation and destruction.** (F. D. C. No. 3217. Sample No. 4575-E.)

This hair tonic was deceptively packaged in that the bottle had been placed in a carton that was twice as large as would have been necessary to hold it.

On or about October 23, 1940, the United States attorney for the Northern District of Illinois filed a libel against 9 dozen bottles of Parisian Style Saje at Chicago, Ill., alleging that the article had been shipped by Giroux Manufacturing Co. from Buffalo, N. Y., on or about March 29, 1940; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices.

On January 23, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

- 67. Misbranding of Kotalko. U. S. v. 59½ Dozen Packages of Kotalko. Default decree of condemnation and destruction.** (F. D. C. No. 1672. Sample No. 10461-E.)

The box containing this product occupied not more than 20.7 percent of the capacity of the carton, which was sufficiently large to hold two of the boxes. The boxes also contained less than the weight declared on the label.

On March 21, 1940, the United States attorney for the District of New Jersey filed a libel against 59½ dozen packages of Kotalko at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about February 20, 1940, by the Kotalko Sales Co. from New York, N. Y.; and charging that it was misbranded. The article was labeled in part: "For the Scalp Kotalko For the Hair."

The article was alleged to be misbranded in that the statements "Net Weight ¾ Oz." and "Net Weight 25 gm." were not accurate statements of the quantity of the contents, since the package contained a smaller amount. It was alleged to be misbranded further in that its container was so made, formed, or filled as to be misleading.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notice of judgment D. D. No. 315.

On January 31, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

### MISCELLANEOUS

- 68. Misbranding of dusting powder. U. S. v. 59 Dozen Boxes of Jasmine Dusting Powder. Default decree of condemnation and destruction.** (F. D. C. No. 3720. Sample No. 55732-E.)

The boxes containing this product were filled to only about 62 percent of their capacity.

On January 29, 1941, the United States attorney for the District of Oregon filed a libel against 59 dozen boxes of a product labeled "Jasmine Dusting Powder by Amore," at Portland, Oreg., alleging that it had been shipped on or about November 28, 1940, by the Howe Co., Inc., from Seattle, Wash.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading.

On March 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

- 69. Misbranding of Phillips Milk of Magnesia Cleansing Cream. U. S. v. 36 Cases of Phillips Milk of Magnesia Cleansing Cream. Consent decree of condemnation. Product delivered to a public institution.** (F. D. C. No. 2001. Sample No. 33124-E.)

This product was contained in jars cylindrical in shape and made of white opal glass, with slightly convex metal screw caps and slightly concave bottoms.

<sup>1</sup> See also Nos. 61-63.

The jars had thick walls and bottoms, and contained approximately half the amount indicated by their outward appearance.

On May 22, 1940, the United States attorney for the Southern District of New York filed a libel against 36 cases of the above-named product at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 6, 1940, by Charles H. Phillips Chemical Co. from Glenbrook, Conn.; and charging that it was adulterated in that its containers were so made, formed, or filled as to be misleading.

On May 9, 1941, the Charles H. Phillips Chemical Co., claimant, having withdrawn its answer and consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be delivered to a public institution.

**70. Misbranding of tooth paste. U. S. v. 40% Dozen Packages of Forhan's Toothpaste. Consent decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 769. Sample No. 68323-D.)**

The tube containing this product occupied not more than 24.6 percent of the capacity of the carton in which it was packed.

On October 19, 1939, the United States attorney for the Southern District of New York filed a libel against 40% dozen packages of Forhan's Toothpaste at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 29, 1939, by the Zonite Products Corporation from New Brunswick, N. J.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading.

On February 11, 1941, the Progressive Drug Co., Inc., having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

# INDEX TO NOTICES OF JUDGMENT C. N. J. NOS. 51-70

## PRODUCTS

	N. J. No.		N. J. No.
Brilliantine-----	63	Odell's Quinine for the Hair-----	60
California Nutrient Cream-----	65	Parisian Style Saje-----	66
Creams-----	63-65, 69	Paulette Hair Dressing-----	63
and lotions-----	64	Permanent wave solutions-----	51-57
Dusting Powder-----	68	Phillips Milk of Magnesia Cleansing Cream-----	69
Eyelash and eyebrow dyes-----	58, 59	Quinlan Pore Cream-----	64
Forhan's Toothpaste-----	70	Skin Stimulant-----	64
Glo-Co Hair Groom for Men-----	62	Spark'l Medicated Skin Cream-----	63
Hair and scalp preparations-----	60-63, 66, 67	Sue Sorrell Texture of Youth Cream-----	65
Jasmine Dusting Powder-----	68	Tooth paste-----	70
Kotalko-----	67	Willat Method of Heatless Permanent Waving-----	51-57
La-Nu Hair and Scalp Vitalizer-----	61		
Louise Norris Lash & Brow Coloring-----	59		
Mary Luckie Original Hair Tints-----	58		

## SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
American Yvette Co.:		Mount Pleasant Beauty Shoppe:	
Willat Method of Heatless Permanent Waving-----	53	Willat Method of Heatless Permanent Waving-----	52
Demonet's Beauty Salon:		Odell Co.:	
Willat Method of Heatless Permanent Waving-----	52	Odell's Quinine for the Hair-----	60
Emile, Inc.:		Pat:	
Willat Method of Heatless Permanent Waving-----	54	Willat Method of Heatless Permanent Waving-----	52
Gaston of Paris, Inc.:		Phillips, Charles H., Chemical Co.:	
Willat Method of Heatless Permanent Waving-----	52	Phillips Milk of Magnesia Cleansing Cream-----	69
Giroux Manufacturing Co.:		Pond's Extract Co.:	
Parisian Style Saje-----	66	Quinlan Pore Cream-----	64
Glo-Co Co.:		Skin Stimulant-----	64
Glo-Co Hair Groom for Men-----	62	Quinlan, Kathleen Mary, Inc.:	
Gulbo, Inc.:		Quinlan Pore Cream-----	64
Willat Method of Heatless Permanent Waving-----	52	Skin Stimulant-----	64
Gusti's Beauty Salon:		Rainbow Beauty Shop:	
Willat Method of Heatless Permanent Waving-----	52	Willat Method of Heatless Permanent Waving-----	52
Heatless Permanent Wave Co.:		Robert of Paris, Inc.:	
Willat Method of Heatless Permanent Waving-----	51-57	Willat Method of Heatless Permanent Waving-----	52
Howe Co., Inc.:		Rudolph's—Beauty Associates, Inc.:	
Jasmine Dusting Powder-----	68	Willat Method of Heatless Permanent Waving-----	52
Kotalko Sales Co.:		Spark'l Co.:	
Kotalko-----	67	brilliantine-----	63
La-Nu Distributing Co.:		Paulette Hair Dressing-----	63
La-Nu Hair and Scalp Vitalizer-----	61	Spark'l Medicated Skin Cream-----	63
Louis Creative Hairdresser:		Tredway, Jeanne:	
Willat Method of Heatless Permanent Waving-----	52	California Nutrient Cream-----	65
Louise Norris Co.:		Sue Sorrell Texture of Youth Cream-----	65
Louise Norris Lash & Brow Coloring-----	59	Willat Production Co.:	
Marlu Co.:		Willat Method of Heatless Permanent Waving-----	56
Mary Luckie Original Hair Tints-----	58	Zonite Products Corporation:	
		Forhan's Toothpaste-----	70





